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ABSTRACT

The implementing regulation for Title IX of the 1972 Education Amendments establishes detailed criteria for identifying and eliminating sex discrimination in education programs and activities. This document focuses briefly on answers to some of the questions that have arisen around the implementation. The purpose of Title IX is to prohibit sex discrimination against students and employees of education programs and activities receiving federal funds. It is necessary because of the demonstrated discrimination in admission practices and policies, awards of financial assistance, counseling and counseling materials, vocational education, athletic programs, student health services, and employment policies and practices. The educational and social effects of sex discrimination in education programs and activities are also documented. (JMF)

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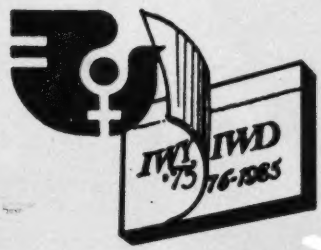

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WHY TITLE IX?

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DISCRIMINATION PROHIBITED – No person in the United States, shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, or be so treated on the basis of sex under most education programs or activities receiving Federal assistance.

WHY TITLE IX?

Why Title IX? What is its purpose? Is it really needed? Is there sex discrimination in education programs and institutions? If so, what are its effects? Although Title IX was enacted within the Education Amendments of 1972, most educators remained relatively unaware of its implications until the release of its implementing Regulation in June of 1975.

Title IX reads that:

> *no person. . . .shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

The implementing Regulation establishes detailed criteria for identifying and eliminating sex discrimination in education programs and activities, and sets forth five major compliance requirements which must be completed by July 21, 1976.

As this deadline approaches, questions regarding the purpose and need for Title IX increase. This pamphlet will focus briefly on some of the answers to these questions.

What is the purpose of Title IX?

The purpose of Title IX is clearly and simply to prohibit sex discrimination against students and employees of education programs and activities receiving Federal funds. The Title IX Regulation provides that females and males must be afforded equal opportunity with regard to:

- admissions to most education institutions;
- access to and treatment in curricular and extracurricular programs and activities sponsored by education agencies and institutions;
- treatment under regulations and policies governing student benefits, services, conduct and dress;
- access to employment in education agencies and institutions;
- terms, conditions, and benefits of such employment.

Since the 1954 Supreme Court decision regarding *Brown v. the Board of Education*, the relationships between equality in education and in society, and the nature of equality in education, have been subjects for public and educator concern. A series of Federal and State antidiscrimination laws has been enacted to better define equality and to ensure its provision. Title IX is the most recent such law. It is patterned after Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race or ethnicity in education agencies and institutions. Title VI and Title IX each address major and continuing sources of discrimination and inequality in education and in society.

Is Title IX really necessary—is there sex discrimination in education programs and institutions?

Testimony presented at the Congressional hearings regarding Title IX and numerous investigations conducted from the late 1960's to the present document the existence and pervasiveness of sex discrimination in our education systems. From early childhood education through graduate education, females and males are exposed to sex discrimination and sex role stereotyping in the curriculum, in extracurricular programs, in regulations and policies governing student life, in physical facilities, in the behavior of education personnel, and in the structure and organization of education institutions. Sex discrimination and sex-role stereotyping, whether overt or covert, direct or indirect, function to deny the equal educational opportunity guaranteed by law.

Many of the forms of sex discrimination prohibited under Title IX and its implementing Regulation have been systematically documented. Some of this documentation is summarized below.

Admissions practices and policies of institutions of vocational education and higher education have often been found to discriminate on the basis of sex.

- In practice if not in stated policy, many postsecondary institutions set higher admissions standards for women than for men. A survey conducted by the American Council on Education indicated that of a sample of 188,900 freshmen entering institutions of higher education in 1972, 44% of the women had high school grade point averages of B-plus or better. For males, this figure was only 29%. Furthermore, 50% of the women and only 38% of the men were in the top quarter of their high school class. The survey also indicated that of these entering students, women were more likely than men to have been high achievers in all types of extracurricular activities except science and athletics.[1]

- Many institutions, especially those of graduate education, use an "equal rejection rate" system under which males and females are sorted into separate categories in order that equal portions of each group may be accepted. This system usually ensures that the women thus admitted are more qualified than the men.[2] One study found that 65% of the women admitted to graduate schools had an undergraduate average of B or better, as opposed to only 54% of the men admitted.[3]

- In a number of large school systems, secondary institutions of vocational education are or have been completely segregated on the basis of sex. In others, males and females are or have been admitted subject only to strict sex-based quotas.[4]

Awards of financial assistance are often differentially available to males and females. Studies have shown that women are less likely than men to receive financial assistance in the form of scholarships, fellowships and loans at both the national and institutional levels.[5]

- A national survey of 3,363 college sophomores found that in 1967, the average award of financial assistance to men was $1,001, while the average award to women was only $786. Student employment awarded as part of institutional financial aid packages paid men an average of $712 and women an average of $401.[6]

- According to 1970 testimony in Congressional hearings on discrimination against women, in 1969, women comprised 33% of the nation's graduate students but received only 28% of the graduate awards under NDEA, Title IV, and 29% under NDEA, Title VI.[7] One report on women and graduate study indicated that only one-quarter of the females enrolled in graduate study received stipends, as compared to almost one-half of the men.[8]

- Sex-restricted scholarships frequently limit the access of qualified women to financial aid. In one large and prestigious university, only 15% of all sex-restricted funds available in 1969 were restricted to women.[9]

Counseling and counseling materials are a significant source of sex discrimination at all levels of education.

- Research indicates that both male and female counselors hold differential perceptions of appropriate academic and career choices for males and females.[10] Counselors appear to apply traditional role stereotypes to both college- and non-college-bound females[11] as well as to female college students.[12]

- Sex bias has also been documented in instruments used in the counseling process. A number of achievement tests have been found to contain such bias in both content and language.[13] Many occupational interest inventories list occupations by sex and fail to offer a complete range of occupational choices to females; many require differential scoring and interpretation of male and female responses.[14]

Vocational education, which provides a direct link between education and the employment system, is one of the most sex-segregated of all education programs. Of the 136 instructional categories within the nation's vocational education programs, 71% have enrollments of at least 75% one sex or the other; almost one-half have enrollments over 90% one sex or the other.[15] Females predominate in those programs providing preparation for the lower-paying occupations. Sex segregation in vocational education programs results from factors ranging from overtly discriminatory admissions or graduation requirements, through discriminatory counseling or counseling instruments, to student choices which may be made on the basis of subtle or covert sex role stereotypes.

Athletic programs provided or sponsored by education institutions are another source of pervasive sex discrimination. Studies of athletics in secondary schools and colleges and universities have repeatedly documented discrepancies in the nature and extent of programs, the availability of coaching services, and the equipment and facilities provided for men's and women's sports.[16]

- Analysis of numerous athletic budgets for secondary and postsecondary athletic programs suggests that at the secondary level, the ratio of expenditures for females and males approximates $1/$10. At the postsecondary level, the ratio approaches $1/$50.[17]

- A 1973 study of the athletic program offered by a school district in one Southwestern city revealed that of $10 million worth of athletic facilities and equipment, girls were permitted use of only the tennis courts and tennis balls.[18] Although this example may be extreme in degree, it is probably not unique.

Policies regarding the marital or parental status of students frequently discriminate on the basis of sex.

- The treatment of pregnant females is a common area of discriminatory policies and practices. Although over 200,000 young women under 18 give birth in the U.S. each year,[19] a large percentage of these young women are expelled from school or are pressured to withdraw at the first sign of pregnancy. Although some local education agencies have offered specialized programs for pregnant students, a 1970 study indicated that only one-third of the nation's 17,000 school districts offered pregnant students any education services at all.[20]

• At some postsecondary institutions, women have been refused financial aid because of pregnancy or marriage.[21]

Student health services in many institutions of higher education provide full coverage services to males while providing no gynecological services to females. A 1970 survey of 750 institutions performed by the American Association of University Women revealed that only 43% provide birth control information or counseling; in the others, students are referred to physicians outside the institution.[22] (An education institution is under no obligation to provide full-coverage health services to students, but the Title IX Regulation requires that if a university chooses to provide such services these must include gynecological services for females.)

Employment policies and practices which discriminate on the basis of sex not only deny opportunity to individual applicants or staff members but also result in employment patterns which limit the exposure of both male and female students to role models in nontraditional positions.

• The existence of discriminatory policies and practices in elementary-secondary education is suggested by an analysis of the sex composition of personnel in various education positions as compared to the sex composition of persons receiving undergraduate and graduate degrees in education. Relevant figures are provided below.

Percentages of Female Employees and Degree Recipients in Education—1970-1971*

	% female		% female
Instructional staff	67.2%	B.A. degrees in education	.74%
Principals	15.3%	Master's degrees:	
Assistant Principals	15.0%	—in education	.56%
Central office administrators	25.9%	—in ed. admin.	.20%
Superintendents	.6%	Doctoral degrees:	
		—in education	.21%
		—in ed. admin.	8.5%

*Figures derived from 1972 National Education Association Research data and the 1974 *Digest of Educational Statistics*, published by the National Center for Education Statistics, Department of Health, Education, and Welfare.

The underutilization of qualified women within elementary-secondary education (suggested by the figures which show more women holding advanced degrees in education than are employed in the administrative positions for which such degrees could qualify them) indicates the probable existence of discriminatory policies and practices.

• Data regarding the employment of women within higher education faculties likewise suggest the existence and prevalence of sex discrimination.

—Although women received 12.91% of the doctoral degrees conferred between 1920 and 1973, in 1974, women were only 10.4% of all full professors. This 1974 figure represents an increase of .5 percent from 1972.[23]

—A survey by the Educational Testing Service of women and men who earned their Ph.D's in 1950, 1960, and 1968, indicated that as time passed, women fell farther behind their male colleagues in both salary and rank.[24] Although some of the differential in pay and rank may be attributable to relatively fewer years of continuous full-time work by the women, a number of the women surveyed stated that they had experienced career interruptions which were themselves due to anti-nepotism rules applied with discriminatory impact upon women.

—National figures regarding the employment of women in postsecondary education indicate that women are heavily concentrated in the lower academic ranks. In 1974, women were:

10.3% of all professors;
16.9% of all associate professors;
27.1% of all assistant professors;
40.6% of all instructors.[25]

Many other forms of sex discrimination exist in education programs and institutions. Some, possibly because of their very pervasiveness, have not been subject to the systematic documentation which has been previously described. They do, however, function to deny equal education to males and females. They include such policies or practices as those which establish:

- differential course or graduation requirements for females and males;
- physical education programs which differentiate between males and females in required activities and available facilities;
- extracurricular activities which are provided on a sex-segregated basis;
- honors and awards for which students are selected on the basis of sex;
- policies governing student dress, conduct or residence which differentiate on the basis of sex;
- student employment services which differentiate on the basis of sex.

All of the above constitute policies or practices which are prohibited under Title IX.

One additional area which has been the subject of much public attention is sex-role stereotyping and sex discrimination in textbooks and instructional materials. Numerous studies have documented that from preschool through graduate level, texts and instructional materials in virtually every subject area or discipline present limiting and stereotyped images of both females and males. Females are largely invisible; when they do appear, they are usually portrayed as passive and emotional creatures defined primarily by their relationships to men, or as curious diversions briefly interrupting the male course of political, economic, scientific or artistic endeavor. Males are generally portrayed in opposite but equally stereotyped roles: they are usually striving and achieving in adventure, career or public roles, with little family or emotional life and few human limitations.[26] Bias in textbooks and instructional materials is explicitly *not* covered in the body of the Title IX Regulation. The Preamble to the Regulation does, however, acknowledge the issue as one of concern, particularly at the elementary-secondary level. It further recommends the development by State and local education agencies of criteria for the selection of nonbiased materials.

What are the effects of sex discrimination in education programs and activities?

Sex discrimination in education programs and activities functions not only to deny the rights of individuals to that equality of opportunity to which they are legally entitled but also to affect the ability of individuals to participate fully in other societal institutions and benefits.

Although it is difficult to separate the direct effects of sex discrimination in education from a larger pattern of societal sex stereotyping, several recent studies suggest possible relationships

between discrimination and stereotyping in education and academic and career outcomes. Recent data from the National Assessment of Educational Progress indicate that there are significant differences in academic achievement by males and females. According to Assessment figures published in 1975:

- Males outperform females in four of the eight major subject areas examined: mathematics, science, social studies and citizenship.
- In the other four learning areas, females consistently outperform males in only one, writing, and maintain a slight advantage in one other, music.
- In the other two subjects, reading and literature, females outperform males until age 9, and then decline in relative performance until, by ages 26-35, they lag behind males.
- In the male-dominated areas (mathematics, science, social studies and citizenship), males and females show scholastic understandings that are fairly equal until the onset of adolescence. By age 13, however, females begin a decline in performance which continues downward through age 17 and into adulthood.[27]

A review of research regarding basic psychological sex differences suggests that the extent and degree of these sex differences in achievement are not explainable by basic sex differences in abilities.[28] Although research indicates that males do exceed females in mathematical and visual-spatial ability, which is consistent with their superior performance on the mathematics sections of the Assessment, it also indicates that females have greater verbal ability than do males. It is thus difficult to explain the consistent performance deficits of females in such largely verbal areas as social studies and citizenship and their ultimate decline in reading and literature achievement on the basis of basic ability differences.

It is more plausible, however, to identify some of the sources of these differences in education programs which discriminate and stereotype on the basis of sex. Male achievement in science may be facilitated by science textbooks which, beginning at elementary school, are the most male-dominated of any subject area;[29] it may be reinforced by guidance counselors who discourage the participation of females in science programs;[30] and it may be shaped by relative dominance of men in science teaching positions. The performance deficit of females in an area as apparently neutral as citizenship may be in part accounted for by government textbooks which largely omit or denigrate the role of females in the political institutions of the nation.[31]

Another study suggests the effect which sex discrimination in educational employment may have upon student outcomes and achievement. In a sample of women derived from three successive editions of *Who's Who of American Women,* there was a strong positive correlation between the number of women faculty on a campus and the number of women achievers graduating from that campus.[32] Women students on campuses where women are denied faculty positions as a result of sex discrimination are thus denied role models to support their academic success and ultimate achievement.

* * * * *

Title IX is an important tool for the improvement of education practice and institutions so that they may more effectively meet the individual needs of all students and the needs of our society for the fuller utilization of the talents within it. The criteria and procedures for compliance which are specified in its implementing Regulation provide guidelines for efforts by education agencies and institutions to modify policies and practices which discriminate on the basis of sex and remedy their effects. The data summarized in this pamphlet suggest that this process cannot begin too soon.

FOOTNOTES

[1] *The American Freshman: National Norms for Fall 1972* (Washington, D.C.: American Council on Education, 1972).

[2] U.S Department of Health, Education, and Welfare, National Center for Education Statistics, *Barriers to Women's Participation in Postsecondary Education* by Esther Manning Westervelt (Washington, D.C.: U.S. Government Printing Office, 1975), p. 8.

[3] J. Scott Hunter, *The Academic and Financial Status of Graduate Students, Spring 1975* (Washington, D.C.: U.S. Government Printing Office, 1967).

[4] National Organization for Women, New York City Chapter, *Report on Sex Bias in the Public Schools* (New York: National Organization for Women, 1972).

[5] U.S. Department of Health, Education, and Welfare, *Barriers to Women's Participation*, p. 12.

[6] E.W. Haven and D.N. Horch, *How College Students Finance Their Education* (New York: College Entrance Examination Board, 1972).

[7] U.S., Congress, House, Committee on Education and Labor, *Discrimination Against Women*, Hearings before a special subcommittee of the House Committee on Education and Labor, 1970.

[8] C.A. Myers, "Special Problems Encountered by Mature Women Undergraduates," *Journal of the National Association of Women Deans and Counselors* 24 (1974): 137-139.

[9] U.S., Congress, House, Committee on Education and Labor, *The Status of Women at Cornell, 1969* by Ella Kusnetz and Barbara Kusnetz, paper submitted to the Special Subcommittee on Education of the House Committee on Education and Labor, 1970.

[10] Arthur Thomas and Norman Stewart, "Counselor Response to Female Clients with Deviate and Conforming Career Goals," *Journal of Counseling Psychology* 18 (1971): 353-357.

[11] Nancy Friedersdorf, *A Comparative Study of Counselor Attitudes Toward the Further Educational and Vocational Plans of High School Girls* (West Lafayette, Indiana: Purdue University, 1970).

[12] "Perspectives on Counselor Bias: Implications for Counselor Education," *The Counseling Psychologist* 4 (1973).

[13] Carol K. Tittle, *Women and Educational Testing: A Selective Review of the Research Literature and Testing Practices* (New York: Office of Teacher Education, City College of New York, 1973).

[14] Ibid.

[15] U.S. Department of Health, Education, and Welfare, Office of Education, *Summary Data–Vocational Education, Fiscal Year 1972* (Washington, D.C.: U.S. Department of Health, Education, and Welfare).

[16] "Revolution in Women's Sports," *womenSports*, September 1974.

[17] Ibid.

[18] Women's Equity Action League, Texas Division, *Survey of Sex Discrimination in the Waco Independent School District* (Houston, Texas: Women's Equity Action League, 1973).

[19] National School Public Relations Association, *Schoolgirl Pregnancy: Old Problem, New Solutions* (Washington, D.C.: National School Public Relations Association, 1972), p. 1.

[20] Ibid, p. 6.

[21] Sheila Tobias, E. Kusnetz and D. Spitz, eds., *Proceedings of the Cornell Conference on Women* (Ithaca, New York: Cornell University, 1969).

[22] R.M. Oltman, *Campus 1970: Where Do We Stand?* (Washington, D.C.: American Association of University Women, 1971).

[23] National Center for Education Statistics, published in *The Chronicle of Higher Education* 9, 10 February 1975.

[24] *The Chronicle of Higher Education,* 13 January 1975, cited in *Affirmative Action: Steps Toward Equity in Higher Education* (Washington, D.C. National Education Association, 1975).

[25] National Education Association, *Affirmative Action: Steps Toward Equity in Higher Education* (Washington, D.C.: National Education Association, 1975), p. T-1.

[26] Lenore J. Weitzman and Diane Rizzo, *Biased Textbooks: A Research Perspective and Action Steps You Can Take* (Washington, D.C.: Resource Center on Sex Roles in Education, National Foundation for the Improvement of Education, 1974); Janice L. Trecker, "Women in U.S. History High School Textbooks," *Social Education* 35 (February 1971): 249-261; Women on Words and Images, *Dick and Jane as Victims: Sex Stereotypes in Children's Readers* (Princeton, New Jersey: Women on Words and Images, 1972).

[27] National Assessment of Educational Progress, "Males Dominate in Educational Success," *NAEP Newsletter,* October 1975. (NAEP is a project of the Education Commission of the States, Denver, Colorado.)

[28] Eleanor Maccoby and Carol Jacklin, *The Psychology of Sex Differences* (Stanford, California: Stanford University Press, 1974).

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[31] Jennifer Macleod and Sandra Silverman, *You Won't Do: What Textbooks on U.S. Government Teach High School Girls* (Pittsburgh, Pa.: KNOW, Inc., 1973).

[32] Elizabeth Tidball, "Perspective on Academic Women and Affirmative Action," *Educational Record* (Spring 1973): 130-135.